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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,708	08/06/2001	Avery Fong	208697US-2	8764
22850	7590	01/05/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,708

Applicant(s)

FONG, AVERY

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-23, 26-36 and 38-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-23, 26-36 and 38-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's arguments with respect to claims 1-7, 10-23, 26-36, 38-52 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 17-23, 26-36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 33 are rejected as vague and indefinite for being a hybrid claim. To be more specific, although a system is claimed in the preamble of each claim, the body of the claim includes means/devices and method steps (i.e. steps of monitoring, determining and transmitting in claim 17, and steps of determining and transmitting in claim 33), which renders each claim vague and indefinite since it is unclear as to whether a system or a method is claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10, 12-23, 26, 28-36, 39-46, 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eytchison in U.S. Patent No. 6,363,434 (newly cited), hereinafter referred as Eytchison, in view of Gaucher in U.S. Patent No. 6,175,860 (of record), hereinafter referred as Gaucher..

Regarding claims 1, 17 and 39, Eytchison discloses a method, system and a computer readable medium containing program instructions for managing electronic devices comprising: providing a main server (214) including software (370) for managing network resources (340) from a single point of administration; connecting a plurality of electronic devices (210, 211a-

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211c, 212, 220, 222a) to said main server to create a local area network (LAN) (215), and managing said electronic devices using said software (see col. 6, lines 36-43, col. 7, lines 7-9), wherein said electronic devices include at least one of an appliance, an environmental control device, and an entertainment device, wherein said step of managing said electronic devices comprises: monitoring management initiating parameters (see col. 7, lines 30-35, col. 8, lines 44-53) including at least one of a system clock and sensed parameters (start time and end time of the scheduled event and other device information) for said electronic devices; determining a management action to be performed on an electronic device to be managed based on said management initiating parameters (col. 7, lines 35-43, col. 8, line 66 to col. 9, line 17), said management action changing a condition of the electronic device; and transmitting a management action data packet ("Granted" signal, "Denied" signal, "Unavailable" signal or "Reserved" signal) to said electronic device to be managed in order to initiate the management action.

Eytchison differs from the claims, in that, it does not disclose a wireless LAN for connecting the server and the plurality of electronic devices, which is well known in the art and commonly used in data communications field for wireless communication.

Gaucher, for example, from the similar field of endeavor, teaches the uses of wireless LAN for connecting the server and the plurality of electronic devices (see Figure 3), which can be easily adopted by one of ordinary skill in the art to implement into the method and system of Eytchison to provide the method and system with wireless communication capability to further improve the system efficiency.

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Regarding claims 2, 18 and 40, Eytchison discloses that the main server comprises providing one of a desktop computer and a portable computer as said main Server (see col. 4, lines 33-38).

Regarding claims 3, 19 and 41, Eytchison discloses that the step of connecting comprises: transmitting an identification request from said main server; receiving a response from responding electronic devices within the range of said main server; and maintaining said LAN including the main server and the responding electronic devices (see col. 7, lines 21-29).

Regarding claims 4, 20, 34 and 42, Gaucher discloses the further step of providing an adjustable transmission power for said main server thereby providing an adjustable signal area for said wireless LAN (see col. 9, lines 18-36) for provide the method and system with transmission power control capability.

Regarding claims 5, 6, 21, 22, 35, 36, 46 and 47, Eytchison discloses the further steps of periodically updating information on the electronic devices connected to said wireless LAN, and adding and dropping electronic devices from said wireless LAN as necessary (see col. 8, lines 8-17).

Regarding claims 7, 23 and 45, Eytchison discloses that the step of maintaining said LAN comprises using a media access control (MAC) protocol (see col. 9, lines 23-56).

Regarding claims 10, 26, 33 and 46, Eytchison discloses the further steps of receiving said management action data packet at said electronic device to be managed; and performing said management action at said electronic device to be managed based on said management action data packet (see col. 7, lines 4-9).

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Regarding claims 12, 28 and 48, Gaucher discloses the step of connecting a plurality of electronic devices comprises connecting at least one of an office equipment device and a mobile terminal device to said main server (see Figure 3).

Regarding claims 13, 14, 29, 30, 49 and 50, Eytchison discloses that the step of creating a LAN comprises creating a home network or a workplace network (see col. 6, lines 8-11).

Regarding claims 15, 31 and 51, Eytchison discloses that the electronic devices can share the software and hardware resources of the main server (see Figure 4).

Regarding claims 16, 32 and 52, Eytchison discloses that the further step of providing Internet connectivity to said electronic devices through said main server (see col. 2, lines 18-25).

5. Claims 11, 27, 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eytchison in view of Gaucher as applied to claims 10, 26, 33 and 46 above, and further in view of Balasubramaniam in U.S. Patent No. 6,803,728, hereinafter referred as Balasubramaniam.

Regarding claims 11, 27, 38 and 47, the method and system provided from the teaching of Eytchison in view of Gaucher differs from the claims, in that, it does not disclose the further steps of: generating a management action report at said electronic device to be managed; transmitting a report data packet including said management action report from said electronic device to be managed, said management action report containing information about whether said management action was completed by the electronic device to be managed, which are well known in the art and commonly used in data communications field for monitoring and control purposes.

Balasubramaniam, for example, from the similar field of endeavor, teaches the steps of generating a management action report at said electronic device to be managed; transmitting a

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report data packet including said management action report from said electronic device to be managed, said management action report containing information about whether said management action was completed by the electronic device to be managed (see col. 9, lines 10-54), which can be easily adopted by one of ordinary skill in the art to implement into the method and system provided from the teaching of Eytchison in view of Gaucher for providing server with monitoring and control capabilities to further enhance the system controllability.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Craig, Aikawa et al., Bucher, Krzyzanowski et al., and Bandhole et al. are all cited to show the common feature of home appliances and/or electronic devices control utilizing server or computer similar to the claimed invention.

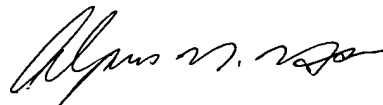
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
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